

Serial No. 10/045,884

Atty. Docket No. LeA 34 992

REMARKS

Applicants respectfully request reconsideration and reexamination of the present application in light of the amendments and the remarks below.

Claims 1 and 2 are pending in this application. Claim 1 has been amended. Support for the amended claim may be found, for example, on pages 6-7 of the specification. This claim amendment is made to clarify the subject matter therein. Therefore, these amendments are submitted in order to place the claims in condition for allowance, and do not disclaim any subject matter to which the Applicants are entitled.

Double Patenting Rejection

The Examiner rejected claims 1 and 2 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3-5 of U.S. Patent No. 6,235,774 (Paper No. 20040508, page 2).

As amended, claims 1 and 2 are directed to "A method of treating the motor symptoms associated with Parkinson's disease comprising administering to a subject in need thereof an effective amount of 2-[4-({[(2R)-8-isopropoxy-chroman-2-yl]methyl}amino)butyl]-1,2-benzisothiazol-3(2H)-one 1,1-dioxide, its physiologically acceptable salts, hydrates or solvates."

Claims 3-5 of U.S. Patent No. 6,235,774 are directed to "A method of regeneratively treating a neurological condition resulting from Parkinson's disease, comprising administering to a patient in need thereof an effective amount of a substituted aminomethyl-chroman of the following formula..."

Applicants submit that claims 1 and 2 are not obvious over claims 3-5 of U.S. Patent No. 6,235,774 because claims 1 and 2 of the present invention are directed to a different method of treatment.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the of the present rejection.

Rejection Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1 and 2 under 35 U.S.C. § 103(a) as unpatentable over Fahrig, et al. (WO 99/26621, IDS) (Paper No. 20040508, pages 2-3). Applicants respectfully traverse.

As amended, claims 1 and 2 are directed to "A method of treating the motor symptoms associated with Parkinson's disease comprising administering to a subject in need thereof an effective amount of 2-[4-({[(2R)-8-isopropoxy-chroman-2-yl]methyl}amino)butyl]-1,2-benzisothiazol-3(2H)-one 1,1-dioxide, its physiologically acceptable salts, hydrates or solvates"

In the present invention, the effect of 2-[4-({[(2R)-8-isopropoxy-chroman-2-yl]methyl}amino)-butyl]-1,2-benzisothiazol-3(2H)-one 1,1-dioxide on motor symptoms associated with Parkinson's disease was demonstrated utilizing an MPTP monkey model (pages 6-7 of the specification). MPTP is a neurotoxin which affects the dopaminergic neurons in the substantia nigra, and thus producing the motor

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symptoms typical of Parkinson's disease. As shown on page 7 of the specification, 2-[4-(((2R)-8-isopropoxy-chroman-2-yl)methyl)amino)butyl]-1,2-benzisothiazol-3(2H)-one 1,1-dioxide produced a 22% reduction in motor symptoms.

Fahrig, et al., does not teach or suggest the use of 2-[4-(((2R)-8-isopropoxy-chroman-2-yl)methyl)amino)butyl]-1,2-benzisothiazol-3(2H)-one 1,1-dioxide to treat the motor symptoms associated with Parkinson's disease.

It is therefore respectfully submitted that Fahrig, et al., fail to teach or suggest the methods as presently claimed, and that the current invention is novel and nonobvious in view of the prior art reference. For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the present rejection.

CONCLUSION


For the foregoing reasons, Applicants submit that the claims are in condition for allowance and Applicants respectfully request reexamination of the present application, reconsideration and withdrawal of the present rejections, and entry of the amendments. Should there be any further matter requiring consideration, Examiner Wang is invited to contact the undersigned counsel.

If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

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Respectfully submitted,


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